

March 24, 1982

LR 256

Congress to take action with regard to exempting dams as point sources of pollution under the Federal Clean Water Act and requirements of the National Pollution Discharge Elimination System. Since enactment of the Clean Water Act in 1964, the United States has made exemplary progress in cleaning up the nation's water. All major cities have had waste water treatment facilities installed and we have made tremendous headway in curbing industrial pollution of our streams. The work done to date is helping the nation to achieve the goals of the Clean Water Act. However, in the efforts to clean up our system some overzealous interests would impose government involvement that is unreasonable and unworkable. Such involvement is not in the best interest of achieving the goals of the Clean Water Act and the imposition of unreasonable federal involvement could in fact jeopardize the overall good of the program. LR 256 deals with such an unreasonable and unwarranted involvement. So that you will better understand the issue, I will give you a little background. In setting up the program to combat water pollution, the Congress and the executive branch of government developed two major categories of source of pollution. They are called, first, point sources, and nonpoint sources. The point sources of pollution are those that can be readily identified as sources of direct pollution discharge into streams such as municipal sewage pipes, industrial plant discharges and large livestock feedlots. These are the major direct pollution sources. They are the easiest to identify as they were the first priority of treatment to abate stream pollution. The last category called nonpoint sources covers those sources of pollution not able to be tied to a specific site and thus not as easily controllable, this in general considered to be normal agricultural runoff and urban area runoff. Programs today are under way to implement procedures to improve water quality in such runoff under Section 208 of the Clean Water Act. The issue of dams being considered point sources of pollution could become a serious problem in the future and could cause litigation and threaten the continued operation of many water projects for irrigation, energy production and other purposes in the future. But dams should not be considered point sources of pollution. They do not discharge sewage or industrial pollutions into streams, and since enactment of the implementation of the Clean Water Act the Environmental Protection Agency has specifically not considered dams to be a point source of pollution. Let me repeat that. The EPA has specifically not considered dams to be point sources of pollution. That gets us where we are now with LR 256. I brought this resolution to the Legislature because of a federal district court decision in the District of Columbia on January 29th of this year that requires the EPA to consider

9463